

<b>Occupational Health &amp; Safety System</b>	
<b>OHS Standards</b>	<b>Number: ADM-05</b>
<b>Work Refusals and Work Stoppages</b>	

## **PURPOSE**

The purpose of this standard is to outline the process to be followed in the event a worker refuses to work or a work stoppage occurs. Under the Occupational Health and Safety Act, a worker has the right to refuse unsafe work. A worker also has a responsibility to report hazards to a supervisor. Reporting a hazard is not a work refusal.

### **A Worker Can Refuse to Work Where**

he or she has reason to believe that,

- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- (b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- (c) workplace violence is likely to endanger himself or herself; or
- (d) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.

### **A Worker Cannot Refuse to Work Where**

- (a) the circumstances are inherent in the normal condition of the workers employment; or
- (b) the worker's refusal to work would directly endanger the life, health or safety of another person.

### **Report of Refusal to Work**

Upon refusing to work or do particular work, the worker shall promptly report the circumstances of the refusal to the worker's Manager or Supervisor who shall immediately investigate.

### **Work Refusal Procedure**

- 1) If a worker refuses to work, they must immediately tell their manager or supervisor.
- 2) The manager or supervisor shall immediately investigate the reasons for the work refusal in the presence of the worker and a certified worker member of the JOHS committee.
- 3) Until the investigation is completed, the worker shall remain,
  - (a) in a safe place that is as near as reasonably possible to his or her work station; and
  - (b) available to the manager or supervisor for the purposes of the investigation.
- 4) After the manager or supervisor investigates the refusal to work, he/she will give their decision as to whether they agree or disagree with the worker. If the manager or supervisor agrees with the worker, they will ensure corrective action is taken and the worker will go back to work. If the manager or supervisor disagrees with the worker, then they will inform the worker.
- 5) If the worker still feels that the situation endangers their health and safety, then the manager or supervisor will immediately contact Occupational Health & Safety to further investigate the matter.

- 6) If disagreement continues, the Ministry of Labour shall be informed of the work refusal by the supervisor or the Co-ordinator OHS.
- 7) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the workplace or in the part of the workplace being investigated unless, in the presence of a certified member, the worker has been advised of the other worker's refusal and of his or her reasons for the refusal

### **Bilateral Work Stoppage Procedure**

- 1) A certified member may initiate a work stoppage if they have reason to believe dangerous circumstances exist.
- 2) The certified member will immediately alert the manager or supervisor responsible for that area.
- 3) The manager or supervisor responsible for the area will immediately investigate in the presence of the certified member and take corrective measures, as appropriate. If the certified member continues to have reason to believe that dangerous circumstance still exist following the investigation and corrective measures, a second certified member representing the other workplace party and the Co-ordinator OHS will be contacted to investigate.
- 4) Following this investigation and corrective measures, if any of the parties continue to have reason to believe that dangerous circumstances exist, a Ministry of Labour inspector will be notified.
- 5) MOL inspector will give a written decision to all workplace parties.

### **Reprisals**

Discipline, threatened discipline, penalties, intimidation or coercion of a worker who has acted in accordance with the rights conferred upon them through the OHSA are specifically prohibited under the OHSA.